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Boudreau, Paul E

To: Burger, David
Subject: RE: El Masri and NYT

RELEASED IN FULL

From: Orlansky, Michael D
Sent: Thursday, May 04, 2006 1:11 PM
To: Milovanovic, Gillian A
Cc: Hubler, Stephen A
Subject: RE: El Masri and NYT

Ambassador,

There was nothing recent in the NY Times on the el-Masri case or from Amb Fouere. I searched earlier today when we noted the press item. The last piece the NYTimes ran was Bob Herbert's column of April 20, an opinion piece largely devoted to reports on the el-Masri case.

The article and interview that Utrinski Vesnik's Slobodanka Jovanovska was apparently referring to appeared in the International Herald Tribune of Sat. April 29 (article below). Nicholas Wood writes for both the NYT and the IHT, and typically identifies himself as being from the Times, so it is not unreasonable for Mr. Fouere or the journalist to say that they were interviewed by someone from the NYT. But the article seems to have appeared only in the IHT. The article refers to a statement from Amb Fouere given via telephone (*emphasis added*), and also includes statements from EU MP Giovanni Claudio Fava.

In another article (4/28, AP), Mr. Fava is quoted as saying, "We put a lot of questions to the Macedonian government officials, institutions and NGO's ... We have received some answers, but not all the answers that we expected from them."

Below the Wood article is a more recent (5/2) Reuters story that quotes Fava as saying there is no "hard evidence" confirming el-Masri's claims of what took place in Macedonia.

We will keep looking for articles and statements related to this case, including anything new we can find today from Mr. Fava.

Mike

Macedonia denies role in CIA flight

By Nicholas Wood

International Herald Tribune

Saturday, April 29, 2006

SKOPJE, Macedonia - The authorities here answered questions posed by a delegation from the European Parliament about a reported CIA kidnapping in Macedonia, but denied suggestions that Macedonia had been involved, and that the CIA had taken part.

The European delegation came to Macedonia to investigate the CIA's alleged practice of kidnapping terror suspects and flying them to other countries for interrogation.

The Macedonians told the delegation that a CIA-chartered plane bound for Afghanistan had landed at the main

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airport on the same day that Khaled el- Masri, a German car mechanic born in Lebanon, charges that he was drugged and flown from Macedonia to Kabul.

Substantial evidence has emerged indicating that Macedonia's security services had a direct role in the transfer. In February, two officials who had been senior members of the Macedonian government at the time of Masri's disappearance told The New York Times that the intelligence services had detained Masri on behalf of the CIA.

But in meetings Friday, officials stopped short of admitting any involvement in the matter or knowledge of Masri's whereabouts while he was in Skopje during much of January 2004. By the end of the day, the interior minister, Ljubomir Mihajlovski, said, "We had a good discussion, and we hope it will finally be clarified that there was not such a case in which Macedonian security services were involved." He added, "There are no indications that foreign intelligence services, and particularly the CIA, were involved" in a kidnapping.

The members of the EU Parliament were not persuaded. "My impression is that they are leaving all the responsibility to other people," said Giovanni Fava, the member of Parliament who will write the delegation's report.

On Wednesday the same group of Parliament members concluded that the CIA made 1,000 undeclared flights across Europe, sometimes stopping to transport terror suspects.

Masri's case is one of the most substantiated examples. In December, Chancellor Angela Merkel of Germany, after a meeting with Secretary of State Condoleezza Rice, said that Rice had admitted Masri's detention and deportation had been a mistake.

European Union officials urged Macedonia to be as open as possible about its involvement in the case so it would not risk jeopardizing its efforts to join the Union. Despite that pressure, the government officials seemed to adhere to an official and limited version of events, although Siljan Avramovski, the former head of Macedonia's counterintelligence service, the UBK, said, "We will provide maximum transparency and openness in our discussions."

In later meetings, other officials provided an account that gave the government's security services only a fleeting role. They said the police had briefly detained Masri at the country's main border crossing with Serbia and that, once he was released, he went to Skopje and took a hotel room.

The owner of the hotel, the Skopski Merak, confirmed that Masri had stayed there, but declined to show a reporter the hotel's guest book without written authorization from the government.

Masri's account is that he was arrested at the border and held captive in the hotel for 23 days, before being flown to Kabul and kept in a U.S.-run prison for five months. He finally was released at an Albanian border crossing and told to make his own way back to Germany, he has testified.

"This is not going to go away," Erwen Fouere, the head of the delegation to Macedonia, said in a telephone interview. "The evidence does seem to be quite convincing that something did happen, that this person was subject to a treatment that was not in accordance with international law."

"They are giving part of the truth, we are waiting for the second part," Fava said.

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EU's Solana says has no proof of CIA renditions

By Ingrid Melander

Tuesday, May 2, 1:23 PM ET

Reuters

The European Union's foreign policy chief said on Tuesday he had no proof U.S. intelligence agents had transferred al Qaeda suspects through Europe and said he had no powers to investigate the allegations.

A Washington Post report last year that the CIA had run secret rendition flights and secret prisons in eastern Europe for al Qaeda suspects unleashed a spate of investigations, but none have so far produced a "smoking gun," or solid proof.

"I have no information whatsoever that tells me with certainty that any of the accusations, allegations, rumors, that have taken place are true," Javier Solana told a committee of European Parliament lawmakers probing the allegations.

"I do not have the information - I do not have the competence - to ask the countries how they have handled these questions," Solana added.

He said the European Union treaty only allowed the bloc's executive branch, the European Commission, or at least a third of member states acting in concert, to raise the issue.

Solana advised lawmakers to hear NATO Secretary-General Jaap de Hoop Scheffer, but he later told the parliament's foreign affairs committee: "I have no information on so-called, alleged, quote-unquote, CIA flights or alleged renditions."

Solana's comments failed to impress some EU lawmakers.

British European parliamentarian Sarah Ludford said Solana had a political duty to probe the allegations.

"It just paints such a pathetic picture of the EU," she said of Solana's assertion that he could not ask questions about the allegations and the possible complicity of some EU states.

Her comments were echoed by Dutch lawmaker Kathalijne Buitenweg. "You cannot force people to answer but can you at least ask," she said.

"NOT MARGINAL ISSUES"

Solana said the accusations of CIA abuses were "certainly not marginal issues for the transatlantic relations" and said terrorism should be fought within international law.

Solana's powers are limited as he has no formal role as EU foreign minister. The EU constitution would have created a post of foreign minister, but the planned law has been put on hold since French and Dutch voters rejected it last year.

According to Claudio Fava, an Italian EU lawmaker responsible for drafting the parliamentary committee's first interim report last week, more than 1,000 CIA flights had transited the European Union since 2001.

Amnesty International has given the same figure, and the Council of Europe, another rights organization investigating the allegations, said last month that one European state had admitted handing over

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terrorism suspects to foreign agents.

A team led by Fava probing the alleged CIA abduction of a Kuwaiti-born German on Saturday visited a hotel where he stayed in Macedonia in 2004 and questioned whether his 23-day stay there was voluntary.

Rights groups cite the case of Khaled el-Masri as an example of U.S. "extraordinary rendition" -- or a secret transfer of a suspect to a third country where they face abuse or torture.

Fava said on Friday there was no "hard evidence" to confirm Masri's claim he was kidnapped by Macedonian agents before being flown by the CIA to Afghanistan for interrogation.

Macedonia, pursuing EU accession talks and a U.S. military ally in Iraq, denies wrongdoing. It has acknowledged holding Masri at the border, but says he was released a few hours later.

Washington has declined public comment on the case.

The European Parliament committee has no legal or judicial power but can recommend sanctions against states.

-----Original Message-----

From: Milovanovic, Gillian A
Sent: Thursday, May 04, 2006 12:31 PM
To: Orlansky, Michael D
Cc: Hubler, Stephen A
Subject: El MASri and NYT

today's media notes say Fouere was interviewed in an NYT article cited in today's Utrinski. PAS please provide the NYT article to POL and me

I also see that Mr Fava is apparently going to give a press statement regarding the EU parliament committee visit here on El Masri and say something about future endeavors (same article apparently). I need PAS to follow this in all appropriate media and get what is said by Fava or anyone else in the aftermath of the visit.

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